

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
JACKSON DIVISION**

LINCARE INC., a Delaware corporation,

Plaintiff,

v.

SIDNEY McKINNEY, an individual, and
HOME MEDICAL PRODUCTS, INC.,
a Tennessee corporation,

Defendants.

Case No.: 1:14-CV-01272-JDB-egb

ORDER OF PRELIMINARY INJUNCTIVE RELIEF

The Court having reviewed the Stipulation between Plaintiff Lincare Inc. (“**Lincare**”), Defendant Sidney McKinney (“**Mr. McKinney**”), and Defendant Home Medical Products, Inc. (“**HMP**”) (collectively, the “**Parties**”) regarding the entry of preliminary injunctive relief, and otherwise being fully advised in the premises, the Court enters this Order granting preliminary injunctive relief as follows:

A. Mr. McKinney is prohibited from violating the Nonsolicitation and Nondisclosure Agreement entered into on November 25, 2002, between Lincare and Mr. McKinney (“**Employment Agreement**”), a copy of which is attached hereto as **Exhibit A** and is incorporated herein by reference.

B. HMP is prohibited from tortiously interfering with Mr. McKinney’s Employment Agreement.

C. In accordance with Federal Rule of Civil Procedure 65(d)(2), this Preliminary Injunction binds the following who receive actual notice of it by personal service or otherwise:

Mr. McKinney and HMP; Mr. McKinney's and/or HMP's officers, agents, servants, employees and attorneys; and any other persons who are in active concert or participation with any of them.

D. This Preliminary Injunction shall remain in full force and effect until (i) the Parties mutually agree in writing to terminate or modify this Preliminary Injunction or (ii) this Court issues a ruling on Lincare's Motion For Preliminary Injunctive Relief And Incorporated Memorandum of Law [Dkt. 4], which the Parties have re-scheduled to occur on December 1, 2014.

E. This Court shall retain continuing jurisdiction over the Parties and subject matter to enforce the terms and conditions of this Preliminary Injunction.

DONE AND ORDERED in Chambers, in Jackson, Tennessee, this 3rd day of November, 2014.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE